19.

Supp. Affidavit

FILED
SEP 14 1900
JAMES H. McKENNEY,
Clerk.

Filed Sept. 14, 1900.

Supreme Court of the United States.

OCTOBER TERM, A. D. 1900.

No. 79.

THE YAZOO AND MISSISSIPPI VALLEY RAILROAD COMPANY, Appellant,

vs.

WIRT ADAMS, State Revenue Agent, &c., Appellee.

SUPPLEMENTAL AFFIDAVIT OF WIRT ADAMS IN SUPPORT OF MOTION TO DISMISS.

Monroe McLaurin Counsel,
W. A. Gwin,
H. C. Minor,
Attorneys for Appellee.

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1900.

No. 79.

THE YAZOO AND MISSISSIPPI VALLEY RAILROAD COMPANY, APPELLANT,

vs.

WIRT ADAMS, STATE REVENUE AGENT, ET AL., APPELLEES.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

To Messrs. WILLIAM D. GUTHRIE, EDWARD MAYES, and NOEL GALE, *Attorneys of Record for Appellant in the Above-entitled Cause, which was No.* 320 *of the October Term,* 1899:

You are hereby notified that the appellee in said cause, Wirt Adams, will, on the hearing of said cause, submit for the consideration of the court, as additional and supplemental ground of the motion to dismiss, the additional and supplemental affidavit of Wirt Adams hereto attached.

MARCELLUS GREEN,
F. A. CRITZ,
R. C. BECKETT,
Attorneys for Appellee.

IN THE SUPREME COURT OF THE UNITED STATES, OCTOBER TERM, A. D. 1900.

THE YAZOO AND MISSISSIPPI VALLEY RAILROAD COMPANY, *Appellant*,
vs.
WIRT ADAMS, *State Revenue Agent, et al., Appellees.* } No. 79.

Appeal from the circuit court of the United States for the southern district of Mississippi.

Before me, L. B. Moseley, clerk of the circuit court of the United States for the southern district of Mississippi, this day personally appeared the within-named Wirt Adams, State revenue agent and appellee in the above-styled suit, and well known to me as such, and, being by me duly sworn, deposes and on oath says that he is such revenue agent and appellee, and he further testifies that since his former affidavit in the said cause, No. 320 of the October term, 1899, was made on September 5, 1899, and filed in this cause on September 9, 1899, the said two causes described as numbers 3266 and 3267 in said affidavit were taken by appeal to the supreme court of the State of Mississippi, and that such further proceedings were had therein that each of said judgments of said State circuit court for the first district of Hinds county were by said supreme court of Mississippi, on the 7th day of May, 1900, duly affirmed; that the numbers of said causes in said supreme court of Mississippi were 9461 and 9462, and that a writ of error was granted and sued out from the Supreme Court of the United States to said supreme court of Mississippi in each of said causes in June, 1900, and that each of said causes is now pending in said Supreme Court of the United States on said writs of error as numbers 355 and 356 of the October term, 1900, thereof, and affiant states and insists on the foregoing facts as additional and supplemental ground for the motion to

dismiss said cause No. 320 of the October term, 1899, No. 79 of the October term, 1900.

WIRT ADAMS,
State Revenue Agent and Appellee.

Sworn to and subscribed before me this the 29th day of August, 1900.

[SEAL.] L. B. MOSELEY,
Clerk of the Circuit Court of the United States for the Southern District of Mississippi.

IN THE SUPREME COURT OF THE UNITED STATES, OCTOBER TERM, A. D. 1900.

THE YAZOO AND MISSISSIPPI VALLEY RAILROAD COMPANY, *Appellant*,
vs.
WIRT ADAMS, *State Revenue Agent, et al., Appellees.* } No. 79.

Appeal from the circuit court of the United States for the southern district of Mississippi.

Before me, L. B. Moseley, clerk of said circuit court of the United States for the southern district of Mississippi, at my office, in Jackson, in said district, this day personally appeared the above-named appellee, Wirt Adams, well known to me as such, and, being by me duly sworn, deposes and says on oath that on this day he delivered in person to Mr. Edward Mayes, one of said attorneys for said appellant, The Yazoo and Mississippi Valley Railroad Company, in person, three true copies of the attached notice and additional and supplemental affidavit of the said affiant, Wirt Adams.

WIRT ADAMS,
State Revenue Agent and Appellee.

Sworn to and subscribed before me this 10th day of September, 1900.

[SEAL.] L. B. MOSELEY,
Clerk of said Court.

FILED
OCT 15 1900
JAMES H. McKENNEY,
Clerk

No. 79.
Sup. Ct. of Critz & Beckett
for Appellees.

Supreme Court of the United States.

OCTOBER TERM, 1900.

Filed Oct. 15, 1900.

No. 79.

THE YAZOO AND MISSISSIPPI VALLEY RAILROAD COMPANY, APPELLANT,

vs.

WIRT ADAMS, STATE REVENUE AGENT, ET AL.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

SUPPLEMENTAL BRIEF OF APPELLEES ON MOTION TO DISMISS AND ON THE MERITS.

F. A. CRITZ,
R. C. BECKETT,
Attorneys for Appellees.

JUDD & DETWEILER, PRINTERS, WASHINGTON, D. C. 10-15-1900

IN THE

Supreme Court of the United States.

OCTOBER TERM, A. D. 1900.

No. 79.

THE YAZOO AND MISSISSIPPI VALLEY RAILROAD COMPANY, APPELLANT,

vs.

WIRT ADAMS, STATE REVENUE AGENT, ET AL., APPELLEES.

SUPPLEMENTAL BRIEF OF APPELLEES ON MOTION TO DISMISS AND ON THE MERITS.

In further reply to the contention of opposite counsel that the suits in the State court for the taxes involved in this case were pending in the supreme court of Mississippi on appeals, with supersedeas, and for that reason could not affect this case in this court, we call attention to the supplemental affidavit of Wirt Adams, appellee, of August 29, A. D. 1900, filed herein September 22, 1900, which shows

that both of said cases in the Mississippi supreme court have been affirmed and the judgments of the circuit court therein in favor of the revenue agent made final.

And in answer to the claim of *bona fide* issuance and sale of bonds, we refer, besides the authorities in our joint reply brief on page 23, to the late case of Weyerhauser *vs.* Minnesota, 176 U. S., 550, 559.

F. A. CRITZ,
R. C. BECKETT,
Attorneys for Appellees.